REMARKS

Claims 1-18 are pending in the application. Claims 1-11 have been withdrawn from consideration. Claim 12 has been amended.

Applicants wish to thank the Examiner for the courtesies extended to Applicants' counsel, Michael A. Messina, during the telephonic interview of June 1, 2005, initiated by the Examiner.

In the Office Action, claim 12 was objected to for formal reasons. Claim 12 has been amended as suggested by the Examiner. Applicants believe that this amendment is fully responsive to the Examiner's concerns.

Claims 12-16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,478,736 (Mault) in view of U.S. Patent 6,736,759 (Stubbs) in view of U.S. Patent 5,117,444 (Sutton). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mault in view of Stubbs and Sutton as applied to claim 12, and further in view of U.S. Patent 6,790,178 (Mault '178). These rejections are respectfully traversed. Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Independent claim 12 has been amended for clarity, as suggested by the Examiner, to recite that the claimed pedometer's reed switch turns on when the pedometer is placed on the receiver unit to send data to the receiver unit responsive to the reed switch turning on. Thus, it is now clear that the pedometer sends data conditional to the reed switch turning on, and that the functions of sending data and turning on the reed switch are not independent. This amendment is supported, for example, at page 8, lines 24-28 of the present application, which explicitly teaches that when the pedometer is placed on the receiver unit, the reed switch is turned on, whereby the pedometer sends the measurement data to the receiver unit.

To further clarify that the sending of data is conditional on the reed switch being turned on, new Figs. 18, 19(a) and 19(b) have been added, and page 8, lines 24-28 have been amended to refer to those drawings, as suggested by the Examiner at page 7 of the Office Action. The new drawings contain only components described in the specification (i.e., the pedometer 2, the receiver 4, reed switch 9 and permanent magnet 8). Applicants note that the details of the reed switch illustrated in the simple schematic diagrams of Figs. 19(a) and 19(b) are well-known to those skilled in the art. Therefore, no new matter has been added.

Regarding the obviousness rejection of independent claim 12, neither Stubbs nor Mault nor Sutton teaches or suggests the claimed receiver unit having a permanent magnet and infrared ray receiving section, or the claimed pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit and sends data to the receiver unit by infrared ray responsive to the reed switch being turned on. It is contended in the Office Action that Sutton teaches a pedometer having a reed switch that sends data to a receiver having a permanent magnet upon placing the pedometer on the receiver. However, this is not a correct characterization of Sutton's disclosure.

Referring to Fig. 5 of Sutton, which is a block diagram of the circuitry within Sutton's pedometer 10, it is clear that Sutton's magnet 58 and reed switch 62 are both contained within pedometer 10. Therefore, Sutton does not show a pedometer having a reed switch and a receiver unit having a permanent magnet, as claimed. Sutton teaches a pedometer mechanism for counting the number of steps of a user, wherein contacts in reed switch 62 (inside the pedometer) open and close once for each stride as magnet 58 (also inside the pedometer) comes close to reed switch 62. In this way, each step is counted.

As discussed hereinabove, in the embodiment of the present invention of amended independent claim 12, a permanent magnet 8 is mounted on receiver unit 4, and a reed switch 9 is mounted on pedometer 2, such that when pedometer 2 is placed on receiver unit 4, reed switch 9 is turned ON, whereby pedometer 2 sends measurement data (i.e., the number of steps it previously recorded) to the receiver unit 4. The infrared receiving section 22 of receiver unit 4 receives the measurement data from pedometer 2.

Thus, the claimed invention is directed to a mechanism for sending measurement data, such as a number of steps, from a pedometer to a receiver unit, as clearly defined in amended independent claim 12. In contrast, Sutton relates only to a pedometer mechanism for counting steps.

None of the cited references teaches or suggests amended claim 12's receiver unit having claim 12's pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit and sends data to the receiver unit by infrared ray responsive to the reed switch turning on. Therefore, no combination of Stubbs, Mault and Sutton, however made, would yield the invention of claim 12, and it would not have been obvious to modify any Stubbs/Mault/Sutton combination to yield the invention of claim 12.

Consequently, claim 12 is patentable, as are claims 13-16 and 18, which depend from claim 12.

Regarding the obviousness rejection of dependent claim 17 based on Stubbs, Mault, Sutton and Mault `178, Mault `178 does not furnish the feature of claim 12 (from which claim 17 depends) missing from Stubbs, Mault and Sutton; i.e., a pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit and sends data to the receiver unit by infrared ray responsive to the reed switch turning on. Therefore, no combination of Stubbs,

Mault Sutton, and Mault `178, however made, would yield the invention of claim 17, and it would not have been obvious to modify any Stubbs/Mault/Sutton/Mault `178 combination to yield the invention of claim 17.

Consequently, claim 17 is patentable.

Reconsideration and withdrawal of the rejection of claims 12-18 under 35 U.S.C. §103 are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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